

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IN RE: CONSTRUCTION EQUIPMENT  
RENTAL ANTITRUST LITIGATION

This Document Relates To:

ALL ACTIONS

Case No. 1:25-cv-03487  
MDL No. 3152

Hon. Sara L. Ellis

**DEFENDANTS' JOINT MOTION TO DISMISS**  
**PLAINTIFFS' CONSOLIDATED AMENDED CLASS ACTION COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Rouse Services, LLC, Rouse Analytics, LLC (together, “Rouse”), RB Global, Inc., United Rentals, Inc., United Rentals (North America), Inc., Sunbelt Rentals, Inc., Herc Rentals, Inc., Herc Holdings Inc., H&E Equipment Services, Inc., Sunstate Equipment Co., LLC, The Home Depot U.S.A., and Equipmentshare.com, Inc. (collectively, “Defendants”), respectfully move this Court for an order dismissing Plaintiffs’ Consolidated Amended Class Action Complaint (ECF No. 145) in its entirety. In support of this Joint Motion, Defendants submit a Memorandum in Support and the Declaration of Johnson Do and its supporting exhibits, and state as follows:

1. Plaintiffs fail to allege a *per se* horizontal price-fixing conspiracy because Plaintiffs (a) do not allege that Rouse and the Rental Company Defendants are horizontal competitors, and (b) fail to plausibly allege any agreement among the Rental Company Defendants, including under any invitation-and-acceptance theory.
2. Plaintiffs fail to allege a *per se* unlawful hub-and-spoke conspiracy because they fail to plausibly allege (a) direct or indirect evidence of an unlawful “rim” agreement between and among the Rental Company Defendants, and (b) that Rouse operates as a “hub” for price-fixing.

3. Plaintiffs fail to allege an unlawful hub-and-spoke conspiracy under the rule of reason because they fail to plausibly allege (a) an unlawful “rim” agreement between and among the Rental Company Defendants, (b) that Rouse operates as a “hub” for price-fixing, (c) a nationwide relevant geographic market for construction rentals, and (d) direct or indirect anticompetitive effects in the purported relevant market.

4. Plaintiffs fail to allege a conspiracy to exchange information under the rule of reason because they fail to plausibly allege: (a) an agreement to exchange confidential information, including the purported agreement to not only share information but also use that information to make pricing decisions; (b) a nationwide relevant geographic market for construction rentals; and (c) direct or indirect anticompetitive effects in the purported relevant market, including under the well-established criteria for assessing anticompetitive effects in information exchange claims.

5. The Sherman Act’s four-year statute of limitations applies because Plaintiffs fail to plausibly allege any tolling doctrine.

6. On January 6, 2026, Michael W. Scarborough, counsel for RB Global and Rouse, conferred via videoconference with Alexander Barnett and Zachary D. Caplan, counsel for Plaintiffs, regarding Defendants’ Joint Motion to Dismiss. Counsel representing each of the other Defendants—United, Sunbelt, Herc, H&E, Sunstate, The Home Depot, and EquipmentShare—were also present and participated in the meet and confer. The parties discussed whether they could reach an accord and made good faith attempts to resolve differences but were unable to reach agreement.

7. Defendants respectfully request oral argument on their Motion.

**WHEREFORE**, Defendants respectfully request that the Court enter an Order granting dismissal of Plaintiffs' Consolidated Amended Class Action Complaint in its entirety.

Dated: January 9, 2026

By /s/ Steven L. Holley

Steven L. Holley  
**SULLIVAN & CROMWELL LLP**  
125 Broad Street  
New York, NY 10004  
Tel.: (212) 558-4000  
holleys@sullcrom.com

Adam S. Paris  
**SULLIVAN & CROMWELL LLP**  
1888 Century Park East  
Suite 2100  
Los Angeles, CA 90067  
Tel.: (310) 712-6663  
parisa@sullcrom.com

James F. Herbison  
**WINSTON & STRAWN LLP**  
35 West Wacker Drive  
Chicago, IL 60601  
Tel.: (312) 558-5909  
jherbiso@winston.com

*Counsel for Defendants United Rentals, Inc.  
and United Rentals (North America), Inc.*

Respectfully submitted,

By /s/ Michael W. Scarborough

Michael W. Scarborough (*pro hac vice*)  
Dylan I. Ballard (*pro hac vice*)  
**VINSON & ELKINS LLP**  
555 Mission Street  
Suite 2000  
San Francisco, CA 94105  
Tel: (415) 979-6900  
Fax: (415) 651-8786  
mscarborough@velaw.com  
dballard@velaw.com

Stephen M. Medlock  
**VINSON & ELKINS LLP**  
2200 Pennsylvania Ave., N.W.  
Suite 500 W  
Washington, D.C. 20037  
Tel: (202) 639-6500  
Fax: (202) 639-6604  
smedlock@velaw.com

Nicole L. Castle (*pro hac vice*)  
**VINSON & ELKINS LLP**  
1114 Avenue of the Americas  
New York, NY 10036  
Tel: (212) 237-0000  
Fax: (212) 237-0100  
ncastle@velaw.com

*Counsel For Defendants  
RB Global, Inc., Rouse Services, LLC,  
and Rouse Analytics, LLC*

By /s/ Corey W. Roush

Corey W. Roush  
**SIDLEY AUSTIN LLP**  
1501 K Street NW  
Washington, DC 20005  
Tel.: (202) 736-8624  
corey.roush@sidley.com

Tom Paskowitz  
Taylor N. Randleman  
**SIDLEY AUSTIN LLP**  
787 Seventh Avenue  
New York, NY 10019  
Tel.: (212) 839-5832  
tpaskowitz@sidley.com  
taylor.randleman@sidley.com

*Counsel for Defendants HERC Holdings Inc.,  
HERC Rentals Inc., and H&E Equipment  
Services, Inc.*

By /s/ Ryan Phair

Ryan Phair  
Christopher C. Brewer  
Michael F. Murray  
Terence A. Parker  
**PAUL HASTINGS LLP**  
2050 M Street NW  
Washington, DC 20036  
Tel.: (202) 551-1700  
ryanphair@paulhastings.com  
chrisbrewer@paulhastings.com  
michaelmurray@paulhastings.com  
terenceparker@paulhastings.com

*Counsel for Defendant Sunbelt Rentals, Inc.*

By /s/ Matthew M. Martino

Matthew M. Martino (*pro hac vice*)  
Karen Hoffman Lent (*pro hac vice*)  
Michael H. Menitove (*pro hac vice*)  
Michael A. Lenci (*pro hac vice*)  
Elizabeth R. Peled (*pro hac vice*)  
**SKADDEN, ARPS, SLATE, MEAGHER  
& FLOM LLP**  
One Manhattan West  
New York, New York 10001-8602  
Tel.: 212-735- 2402  
matthew.martino@skadden.com  
karen.lent@skadden.com  
michael.menitove@skadden.com  
michael.lenci@skadden.com  
elizabeth.peled@skadden.com

Amy L. Van Gelder  
**SKADDEN, ARPS, SLATE, MEAGHER  
& FLOM LLP**  
320 South Canal Street  
Chicago, Illinois 60606  
Tel.: 312-407-0903  
amy.vangelder@skadden.com

*Counsel for Defendant  
Sunstate Equipment Co., LLC*

By /s/ Kenneth M. Kliebard

Kenneth M. Kliebard

**MORGAN, LEWIS & BOCKIUS LLP**

110 North Wacker Drive, Suite 2800

Chicago, IL 60606-1511

(312) 324-1000

kenneth.kliebard@morganlewis.com

Zachary M. Johns (*pro hac vice*)

**MORGAN, LEWIS & BOCKIUS LLP**

2222 Market Street

Philadelphia, PA 19103-3007

(215) 963-5000

zachary.johns@morganlewis.com

Rishi P. Satia (*pro hac vice*)

**MORGAN, LEWIS & BOCKIUS LLP**

One Market, Spear Street Tower

San Francisco, CA 94105-1596

(415) 442-1000

rishi.satia@morganlewis.com

J. Clayton Everett, Jr. (*pro hac vice*)

**MORGAN, LEWIS & BOCKIUS LLP**

1111 Pennsylvania Ave., N.W.

Washington, D.C. 20004

(202) 739-3000

clay.everett@morganlewis.com

*Counsel for Defendant*

*EquipmentShare.com Inc.*

By /s/ David C. Kiernan

David C. Kiernan

**JONES DAY**

555 California Street, 26th Floor

San Francisco, CA 94104

Tel.: (415) 626-3939

dkiernan@jonesday.com

Caroline Van Wagoner

**JONES DAY**

4655 Executive Drive, Suite 1500

San Diego, CA 92121-3134

Tel.: 858-314-1200

cvanwagoner@jonesday.com

Erica E. Duff

**JONES DAY**

110 N. Wacker Dr., Suite 4800

Chicago, IL 60606

Tel.: (312) 269-1511

eduff@jonesday.com

Ronan P. Doherty

Ben W. Thorpe

**BONDURANT MIXSON & ELMORE**

**LLP**

1201 West Peachtree Street NW Suite 3900

Atlanta, GA 30309

T: (404) 881-4100

doherty@bmelaw.com

bthorpe@bmelaw.com

William P. Barnette (admitted *pro hac vice*)

Peter E. Diaz (admitted *pro hac vice*)

**KING & SPALDING LLP**

1180 Peachtree St., Suite 1600

Atlanta, GA 30309

Tel: (404) 572-4729

wbarnette@kslaw.com

pdiaz@kslaw.com

*Counsel for Defendant The Home Depot*

*U.S.A., Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 9, 2026, a copy of the foregoing document was electronically filed through the ECF system and will be sent electronically to all persons identified on the Notice of Electronic Filing.

*/s/ Michael W. Scarborough* \_\_\_\_\_  
MICHAEL W. SCARBOROUGH